

400 Garden City Plaza  
Garden City, New York 11530  
(516) 742-4343 - Telephone  
(516) 742-4366 - Facsimile  
e-mail: [intrap@ssmp.com](mailto:intrap@ssmp.com)

**SCULLY, SCOTT, MURPHY  
& PRESSER**

**RECEIVED  
CENTRAL FAX CENTER**

**FEB 11 2005**

**Fax**

**To:** Examiner: Qamrun Nahar  
Group Art Unit: 2124  
Confirmation No.: 3776

**From:** John S. Sensny, Esq.

**Fax:** (703) 872-9306

**Pages:** 7, including fax cover sheet

**Phone:**

**Date:** February 11, 2005

**Re:** Re: Motohiro Kawahito, et al.  
U.S. Patent Appln. No. 09/814,324  
Filing Date: March 21, 20001  
Our Docket: JP919990309US1 (17696)

**CC:**

**REQUEST FOR CONTINUED EXAMINATION (RCE) WITH  
LETTER ACCOMPANYING RCE**

Transmitted herewith are the following:

1. Request for Continued Examination (RCE) (in duplicate);
2. Letter Accompanying RCE;
3. Authorization to Charge IBM Deposit Account in the amount of \$790.00 for the RCE Fee; and
4. Certificate of Transmission by Facsimile, dated February 11, 2005 (in duplicate).

**For:**

**Applicant:** Motohiro Kawahito, et al.  
**U.S. Patent Appln. No.** 09/814,324  
**Filing Date:** March 21, 2001  
**Our Docket:** JP919990309US1 (17696)  
**Title:** "PROGRAM COMPILATION AND OPTIMIZATION"

**CONFIDENTIALITY:** The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Julie @ Ext. 569 or via e-mail at [Julie@ssmp.com](mailto:Julie@ssmp.com)

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. JP919990309US1 (17696)	
Applicant(s): Motohiro Kawahito, et al.				
Application No. 09/814,324	Filing Date March 21, 2001	Examiner Qamrun Nahar	Group Art Unit 2124	
Invention: <b>PROGRAM COMPILATION AND OPTIMIZATION</b>			<b>RECEIVED CENTRAL FAX CENTER FEB 11 2005</b>	
<p>I hereby certify that this <u>REQUEST FOR CONTINUED EXAMINATION (RCE) w/ Letter</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>(703) 872-9306</u> ) on <u>February 11, 2005</u> (Date)</p> <p><u>John S. Sensny</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u>John S. Sensny</u> (Signature)</p>				
<p>Note: Each paper must have its own certificate of mailing.</p>				

P18/REV02

**RECEIVED  
CENTRAL FAX CENTER**

**FEB 11 2005**

2-11-05 11:58AM:SSMP FAX

15107-124386

PTO/SB/30 (28-02)

Approved for use through 07/31/2006, OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/814,324
Filing Date	March 21, 2001
First Named Inventor	Motohiro Kawahito, et al.
Art Unit	2124
Examiner Name	Qamran Nahar
Attorney Docket Number	JP919990309US1 (17696)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☐ Enclosed
    - ☐ Amendment/Reply
    - ☐ Affidavit(s)/Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
  - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0510/IBM
    - ☒ RCE fee required under 37 CFR 1.17(e)
    - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
    - ☐ Other \_\_\_\_\_
  - ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)	John S. Senary	Registration No. (Attorney / Agent)	28,757
Signature	<i>John S. Senary</i>	Date	February 11, 2005

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	John S. Senary	Date	February 11, 2005
Signature	<i>John S. Senary</i>	Date	February 11, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): <b>Motohiro Kawahito, et al.</b>			Docket No. <b>JP919990309US1 (17696)</b>	
Application No. <b>09/814,324</b>	Filing Date <b>March 21, 2001</b>	Examiner <b>Qamrun Nahar</b>	Group Art Unit <b>2124</b>	
Invention: <b>PROGRAM COMPILATION AND OPTIMIZATION</b>			<b>RECEIVED</b> <b>CENTRAL FAX CENTER</b> <b>FEB 11 2005</b>	
<p>I hereby certify that this <u><b>REQUEST FOR CONTINUED EXAMINATION (RCE) w/ Letter</b></u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u><b>(703) 872-9306</b></u>)</p> <p>on <u><b>February 11, 2005</b></u> (Date)</p> <p><u><b>John S. Sensny</b></u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u><i>John S. Sensny</i></u> (Signature)</p>				
<p><b>Note: Each paper must have its own certificate of mailing.</b></p>				

P16/REV02

**RECEIVED  
CENTRAL FAX CENTER**

5167424328

# 1-5

FEB 11 2005

PTO/SB30 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/814,324
Filing Date	March 21, 2001
First Named Inventor	Motohiro Kawahito, et al.
Art Unit	2124
Examiner Name	Qamrun Nahar
Attorney Docket Number	JP919990309US1 (17696)

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
  - ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
    - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
    - ☐ Other \_\_\_\_\_
  - ☐ Enclosed
    - ☐ Amendment/Reply
    - ☐ Affidavit(s)/Declaration(s)
    - ☐ Information Disclosure Statement (IDS)
    - ☐ Other \_\_\_\_\_
- Miscellaneous**
  - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
  - ☐ Other \_\_\_\_\_
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
  - ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0510/IBM
    - ☒ RCE fee required under 37 CFR 1.17(e)
    - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
    - ☐ Other \_\_\_\_\_
  - ☐ Check in the amount of \$ \_\_\_\_\_ enclosed
  - ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	John S. Sensay	Registration No. (Attorney/Agent)	28,757
Signature	<i>John S. Sensay</i>	Date	February 11, 2005

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	John S. Sensay	Date	February 11, 2005
Signature	<i>John S. Sensay</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

Applicants: Motohiro Kawahito, et al.

Examiner: Qamrun Nahar

FEB 11 2005

Serial No: 09/814,324

Art Unit: 2124

Filed: March 21, 2001

Docket: JP919990309US1 (17696)

For: PROGRAM COMPILATION AND  
OPTIMIZATION

Dated: February 11, 2005

Confirmation No.: 3779

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313**LETTER ACCOMPANYING REQUEST FOR CONTINUED EXAMINATION (RCE)**

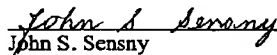
Sir:

As a precautionary measure, Applicants wish to remind the Office that no extension fee is due for filing the enclosed RCE in the above-identified application since Applicant filed an amendment after final on December 27, 2004, which is considered within 2-months of the date of the final office action, October 27, 2005, and it is believed that no advisory action has yet been issued by the Office. See MPEP 706.07(f).

---

**CERTIFICATION OF FACSIMILE TRANSMISSION**


I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: February 11, 2005  
John S. Sensny

G:\bm\105\17696\Misc\rce extension after final letter.doc

However, in the event that an Advisory Action has been issued, it is noted that only a one month extension fee is due, and the Office is authorized to charge the required extension fee to deposit account no. 50-0510/IBM.

Respectfully submitted,

  
John S. Sensny  
Registration No. 28,757  
Attorney for Applicants

Scully, Scott, Murphy & Presser  
400 Garden City Plaza – Suite 300  
Garden City, New York 11530  
(516) 742-4343

JSS:jy

G:\bm\105\17696\Misc\re extension after final letter.doc